

**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY
HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON TRANSPORTATION
September 18, 2017**

Good morning Chairman Rodriguez and members of the Transportation Committee. I am Margaret Forgione, Chief Operations Officer at DOT. I am joined today by Galileo Orlando, Deputy Commissioner for Roadway Repair and Maintenance, and Leon Heyward, Deputy Commissioner for Sidewalks and Inspection Management. Thank you for inviting us here today, on behalf of Commissioner Trottenberg and Mayor de Blasio, to discuss this set of bills dealing with a variety of issues related to the construction and maintenance of our streets. I am also joined by Saurin Parikh, DEP Chief of Operations for Queens and the Bronx, and Fiona Watt, Senior Advisor to the Assistant Commissioner for Forestry, Horticulture and Natural Resources at the Parks Department.

There are nearly 6,000 miles of streets in New York City. City streets facilitate the movement of pedestrians, transit riders, motorists, and cyclists as well as the delivery of goods and services throughout the city. Under the surface, these same streets support the city's water, sewer, power and telecommunications infrastructure, as well as its subway tunnels and building vaults. The streets themselves also serve as public spaces, fostering social, economic, and recreational activities.

Our streets are three-dimensional structures. They include both the underground infrastructure and the sub-base of the street—or in other cases, bridge structures or elevated highways—and the surface of the roadway, the curb, and the sidewalk, as well as features such as pedestrian ramps, driveways, tree pits, and catch basins. The width and shape as well as the elevation and contour or pitch of the different components must all be thought of in relationship to each other. For example, curbs are typically up to eighteen inches in total height but we see just the amount that is exposed above the surface. The relationship between the elevation and pitch of the road and the height of the curb produces the amount of effective curb height, also called “curb reveal,” the subject of Introduction 1251.

From cobblestones to brand new asphalt, concrete sub-base, and sidewalks and curbs of various types and conditions, our street network varies greatly. Our streets as they exist today are the sum of a long and varied history of construction, acquisition, and maintenance. Once a street is built, it continues to change. Excavations are made and then restored. Streets are milled and paved. Elements such as curbs or sidewalks can be damaged or subside and may be replaced. Wear and tear occurs and eventually, even with maintenance, streets can reach the end of their useful life and need costly and disruptive reconstruction that includes the road base as well as curbs and sidewalk.

Under this administration, DOT has made record investment in our streets and dramatically increased both our re-surfacing and reconstruction work. We resurfaced 1,325 lane miles in FY17 and we plan to continue that pace by paving another 1,300 lane miles in FY18. Under

Mayor de Blasio's leadership, from FY16-FY19 we will pave more than twenty-five percent of all City lane miles, on our most poorly rated streets. I am happy to report that all these newly paved streets contributed to a dramatic decrease in the number of potholes DOT has had to fill. Year-to-date, DOT has had to fill 54% percent fewer potholes compared to 2014.

And under Mayor de Blasio we will have nearly doubled our investment in street reconstruction, taking the amount from \$1.7 billion in the last ten-year capital plan in the prior administration, to \$3.3 billion in the current ten-year plan. As a result, DOT is rebuilding major corridors better and safer than before, such as the Grand Concourse, Queens Boulevard, and Atlantic Avenue, delivering new Great Streets for New Yorkers.

As a part of its mission, DOT works with many stakeholders. DEP is a major excavator in order to access and maintain their infrastructure. Similarly, the utility companies are responsible for a significant portion of street excavations and restorations, by necessity, in order to install and maintain their infrastructure. Adjoining property owners also have certain responsibilities and play a significant role. Our capital construction projects are executed by DDC, and DEP is responsible for the location, construction and maintenance of catch basins and storm sewers, a crucial component for drainage of our streets. And when it comes to our parking regulations and traffic rules, NYPD is responsible for enforcement.

Now, with that background in mind, I would like to comment specifically on each of the bills before the Committee today.

Introduction 231

Intro 231 would require the Parks Department to notify DOT of the locations of upcoming tree plantings. Likewise, DOT would be required to inform applicants for sidewalk construction permits at those locations of scheduled tree plantings to the extent we have received such information.

On behalf of my Parks Department colleagues, I am happy to report that pursuant to Local Law 65 of 2017, championed by Council Member Matteo, Levine, and others, the Parks Department will begin to make information on all of their scheduled tree pruning, tree stump removal and tree planning work available to the public online. Parks' Forestry Work Tracker is expected to launch on October 23.

DOT would be happy to explore including a notice to all sidewalk construction applicants as part of our application process, advising them to consult Parks' Forestry Work Tracker website prior to scheduling their own sidewalk construction work or pulling permits.

Thanks to the availability of the Parks' new tracker, we believe this would be the simplest and most effective way to accomplish the goals of the proposed legislation. By making all sidewalk construction permit applicants aware of the tracker, it will allow them to see for themselves all the information available from the Parks Department that might apply to their location, check back for updates, and plan accordingly.

Introduction 623

Intro. 623 would require DOT to paint curbs red in all bus stops, and the distance on either side of a fire hydrant from which parking, standing, or stopping is prohibited, which is 15 feet. Maintaining hydrant access for FDNY and facilitating the efficient movement of buses for our city's many bus riders, respectively, are both very high priorities on our streets, hence the importance of both of these regulations.

DOT understands that the intent of the bill is to make life easier for drivers trying to figure out where they may or may not park. However, DOT strongly opposes curb painting as a solution. We believe that the focus of our street marking efforts should be on the safety and operability of the street, and that for many reasons, parking regulation of the curb is best indicated with the use of only signage and rules.

With millions of feet of curb to regulate, a combination of signage and rules is the most accurate, effective, and cost-efficient method to inform drivers where they are allowed to park. Use of painted curbs is easily susceptible to unauthorized tampering. Bus stops are also relocated due to construction and service changes. In these cases signs are easier to move than stripping curbs of paint. Finally, plowed snow can interfere with the visibility of curb markings, which is certainly a consideration in a city such as ours.

For these reasons and others, DOT currently does not paint curbs for any purpose, and doing so would require a new operational unit and an entirely new set of standards. Complying with the requirements of the bill would have a cost of several million dollars for installation, and recurring maintenance costs of over one million dollars annually.

There are approximately 110,000 hydrants city-wide. At 15 feet on each side, DOT would be required to paint nearly 3.3 million linear feet of curb. And there are approximately 16,000 bus stops city-wide. At an average length of 100 feet, DOT would be required to paint a total of 1.6 million linear feet. All told this constitutes over *900 miles of curb*, in other words about the distance from here to Cleveland *and back*.

This considerable diversion of resources for street painting operations would detract from our two vital Vision Zero priorities: creating new markings for safety projects and redesigns, and refreshing our existing markings. This could impair our ability to make progress on eliminating traffic deaths and serious injuries.

For all of these reasons, DOT opposes Intro. 623.

Introduction 955

Intro. 955 would raise the maximum amounts in DOT's penalty schedule. The bill itself would not increase the amount of any of DOT's fines, but rather the range within which DOT is permitted by law to set fines for specific violations by rule.

DOT's goal when it comes to regulating and enforcing various uses of our streets is to achieve the greatest level of compliance possible, and to protect the City's investment in our vital infrastructure while ensuring safety and minimizing the disruption, congestion, and quality of life

effects of street work. In the case of excavations and restorations, in addition to potential fines, permittees face the prospect of required corrective actions or costly re-digs of defective restorations, so they have a strong incentive to do the job right the first time. DOT carefully chooses fine amounts in order to provide a deterrent, but also does not want fines to be exorbitant or potentially simply go unpaid.

Currently, all of DOT's fines are below the maximum permitted amount, and we are not currently seeing a need for any fine amounts in excess of those amounts. However, higher caps would provide greater flexibility, and could facilitate the use of a greater range of amounts, with higher fines for chronic offenders.

DOT seeks to foster coordination and cooperation with the stakeholders who excavate and perform restorations in our streets. Fines and adjustments to the amounts of fines are also a component of our toolbox. Therefore, DOT supports the bill in principle to provide greater flexibility.

Introduction 1251

Now turning to Intro. 1251, which requires DOT to verify a ponding problem within 14 days and repair the condition within 60 days of verification.

When DOT receives a complaint or becomes aware of a possible ponding issue, our Roadways Division will conduct an assessment. The first step is to verify the ponding condition, which is done by conducting an observation 48 hours after a significant rain event. Therefore, a requirement of a two week verification period of a ponding issue would be unworkable, because verification is weather dependent and inspection resources are finite.

Once the condition is verified, we assess whether the defect can be addressed operationally, with milling and paving, using topographical analysis in some cases. If the condition can be solved with operational measures then the location is prioritized and repairs are conducted as resources permit.

However, rectifying many of our ponding conditions requires more complicated work that entails a capital construction project. Such projects include the reconfiguration of street and sewer infrastructure.

These locations are added to our priorities for inclusion in capital projects. Bergen Avenue between Avenues T and U, in the bill sponsor's district, is an example of a location with ponding issues which require capital work to repair. As announced last fall, we hope to address this condition through inclusion in our Bergen Avenue area capital project, thanks to funding by Mayor de Blasio, and are looking to begin bidding the work out for construction soon.

A requirement to repair a ponding condition within 60 days is unworkable. For ponding issues that can be addressed operationally, once assessment and analysis have been completed, our milling and paving operations are deployed on a scheduled and prioritized basis and may not be immediately available. Milling and paving operations are also dependent on weather and season.

For ponding issues in need of a capital work, scoping and project delivery for this type of street reconstruction project would greatly exceed the 60 day requirement because of the study, design, and construction demands involved.

For these reasons DOT opposes Intro. 1251.

Introduction 1457

Finally, Intro. 1457 relates to maintaining appropriate curb height or reveal. Good curb reveal is important both to ensure proper street drainage and to deter vehicles from mounting the sidewalk. At least three to four inches is usually preferred and our standard for new construction is seven inches. In addition, the curb should be flush with the sidewalk to prevent a tripping hazard. Conversely, at pedestrian ramps and driveways, the goal is to maintain zero curb reveal.

This is particularly important at pedestrian ramps for accessibility purposes.

Whenever we reconstruct streets, in which we typically re-build the roadbed as well as the surface of the road, the curbs, the sidewalks, and all of the other features of the street, we build with curb reveal that meets our standards. We also require privately built streets that we will one day take into our ownership, to be built to our standards as well.

When it comes to street resurfacing, our crews aim to match the current elevation and contours of the roadway as closely as possible. Our goal is to meet existing pedestrian ramps and driveways, stay flush with existing utility hole covers, and maintain good drainage based on the location and elevation of existing catch basins, while preserving existing curb reveal. And on some streets, curb heights and construction can vary within a single block from property to property. We must balance all of these factors: for example, if we change the pitch of the road to increase the curb reveal, we risk creating a depression that is not drained by existing catch basins.

As you know, DOT has been ambitiously resurfacing record levels of lane miles. But our crews must work with the other elements of the street as they exist, and resurfacing is not able to address every underlying defect or condition a street may have.

This bill would potentially require DOT to conduct curb repair or replacement work in conjunction with our resurfacing work on any streets where the curb or a small section of the curb may be deficient. And raising a curb can require work on the adjacent sidewalk, possibly including conditions that property owners may be required to correct, which in turn would mean a violation and cost to the property owner. Funding for curb repair, usually done through contracts, is limited. Coordinating contractor schedules with our own crew schedules would be very challenging and the concrete work involved in curb repair is a very different process than resurfacing. The requirement to conduct curb work in conjunction with our resurfacing work would cripple the ambitious pace of resurfacing that DOT has been maintaining and leave some streets un-resurfaced as a result.

Moreover, as drafted this bill could require DOT to fix insufficient curb reveal when doing repair work of any kind, to any part of the roadway or sidewalk on a street, whether it touched the curb at all, further hamstringing our operations.

For these reasons, DOT opposes Intro. 1457.

Conclusion

Once again, thank you for the opportunity to address the Committee on the bills before you today. The ongoing management of our vital street network is a major task for New York City and one in which we know the public and many elected officials have a great deal of interest. DOT is always striving to provide New Yorkers the best quality streets possible and we look forward to continuing to work collaboratively with the Council to achieve that goal. We are now happy to answer any questions you might have.

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 9-18-2017

(PLEASE PRINT)

Name: Saurin Parikh

Address: _____

I represent: DEP COO for Queens and the Bronx

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 9-18-2017

(PLEASE PRINT)

Name: Galileo Orlando

Address: _____

I represent: DOT Dep. Comm. Roadway Repair and

Address: Maintenance

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

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Date: 9-18-2017

(PLEASE PRINT)

Name: Margaret Forgione

Address: _____

I represent: COO, Department of Transportation

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9-18-2017

(PLEASE PRINT)

Name: Leon Hayward

Address: _____

I represent: DOT Dep. Comm. Sidewalks and

Address: Inspection Management

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